

Message Text

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DRAFTED BY EB/IFD/BP:TASCHLENKER:VJW

APPROVED BY EB: JKATZ

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: ETRD, CA, US

SUBJECT: DIPLOMATIC NOTE ON POTASH ANTITRUST CASE AND
DISCUSSIONS OF URANIUM ANTITRUST CASE

REF: STATE 236797

1. CANADIAN EMBASSY DCM MCKINNEY CALLED ON ASSISTANT
SECRETARY KATZ SEPTEMBER 22 TO DESCRIBE ORALLY NEW URANIUM
SECURITY REGULATIONS AND TO DELIVER A DIPLOMATIC NOTE
EXPRESSING GOC CONTINUING CONCERN OVER THE DEPARTMENT OF
JUSTICE POTASH ANTITRUST CASE AND EMPHASIZING GOC OPPOSI-
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TION TO JUSTICE INTERVIEWS OF ANY FEDERAL OR PROVINCIAL

CANADIAN OFFICIALS IN THIS CASE. TEXT OF NOTE SENT SEPARATELY.

2. IN RESPONSE TO NOTE, KATZ SAID THAT ITS CONTENTS WOULD BE CAREFULLY STUDIED BY DEPARTMENT. KATZ THOUGHT THERE MIGHT BE SOME MISUNDERSTANDING ABOUT POTASH CASE SINCE U.S. JUDICIAL PROCEEDINGS WERE ENTIRELY CONCERNED WITH ACTIONS THAT HAD TAKEN PLACE IN UNITED STATES AND HAD DIRECTLY AFFECTED U.S. COMMERCE. HOWEVER, HE CONCEDED THAT THERE MIGHT HAVE BEEN SOME MISHANDLING OF CASE IN REGARD TO INFORMING CANADA OF CERTAIN PERTINENT DEVELOPMENTS.

3. IN NOTE AND ORAL PRESENTATION, MCKINNEY REITERATED THAT A MEETING BETWEEN CANADIAN OFFICIALS AND STATE AND JUSTICE COULD STILL TAKE PLACE. STATE OFFICIALS AGREED THAT SUCH A MEETING WOULD BE MOST USEFUL WAY TO PROCEED.

4. MCKINNEY READ OUT TEXT OF NEW URANIUM SECURITY REGULATION. KATZ SAID THAT JUSTICE WOULD BE INFORMED OF THIS DEVELOPMENT. MCKINNEY INDICATED THAT DOCUMENTS PREVIOUSLY GIVEN TO ASSISTANT SECRETARY GREENWALD AND JUSTICE CLEARLY INDICATED CANADIAN GOVERNMENT'S ROLE IN URANIUM PRICING AND HE WAS PUZZLED AS TO WHY JUSTICE WAS PURSUING THE CASE. KATZ REPLIED THAT THERE WAS EVIDENCE THAT ANTI-TRUST ACTIVITY HAD GONE BEYOND CANADIAN GOVERNMENT DIRECTIVES AND THAT PRIVATE COMPANIES APPEARED TO HAVE MADE ARRANGEMENTS AMONG THEMSELVES, RESULTING IN SOME INSTANCES IN HIGHER PRICES BEING CHARGED TO AMERICAN COMPANIES FOR URANIUM. KISSINGER

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